

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:04CR3087
)	
V.)	
)	
JEREMY RANDOLPH,)	ORDER
)	
Defendant.)	
)	

This matter is before me pursuant to the filing 62 Memorandum and Order which reversed a portion of my April 22, 2005 order (filing 57) concerning the defendant's duty to disclose expert witness information. In accordance with Judge Kopf's ruling,

IT IS ORDERED:

1. On or before June 10, 2005, the defendant's counsel shall provide to plaintiff's counsel a written summary containing:
 - a) The credentials and qualifications of his mental health expert;
 - b) A statement of each opinion the expert has reached regarding the defendant's mental condition at the time of the alleged offense, including any and all diagnoses reached; and
 - c) A summary of the bases and reasons for his opinions.
2. Within ten business days following the defendant's disclosure required by paragraph 1, above, plaintiff's counsel shall file with the court a statement disclosing whether the plaintiff seeks an examination of the defendant pursuant to 18 U.S.C. § 4242, and if so, its estimate of the time necessary for its expert to conduct a non-custodial examination.

3. In the event the plaintiff's filed statement indicates the plaintiff will seek an examination pursuant to 18 U.S.C. § 4242, and that examination is conducted, plaintiff's counsel shall promptly provide to defendant's counsel a written summary of the information described in paragraph 1 above. Defendant's counsel shall have five working days thereafter to determine whether defendant will withdraw his notice of defense of insanity and file a statement of such decision with the court.
 - a. If the notice is withdrawn, no further disclosures by any party will be required, and the case will be set for trial.
 - b. If the notice is not withdrawn, plaintiff and defendant shall promptly provide copies of their respective expert's full reports to opposing counsel.
4. In the event the plaintiff's filed statement indicates the plaintiff will not seek an examination pursuant to 18 U.S.C. § 4242, the defendant shall have five working days thereafter to determine whether defendant will withdraw his notice of defense of insanity and file a statement of such decision with the court. The case will then be set for trial. If the notice of insanity defense is not withdrawn, the defendant shall disclose the full report prepared by Dr. Gutnick at least three weeks before trial. If the notice is withdrawn, no further disclosure need be made.

DATED this 1st day of June, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge